



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR INFORMATICS

The Director General

DIGIT

Luxembourg,

Free Software Foundation Europe
Attn Mr Karsten GERLOFF
President
Talstraße 110
D-40217 Düsseldorf (Germany)

gerloff@fsfeurope.org

Subject: Press release issued by the Free Software Foundation Europe on 7 December 2010

Reference: *“European Commission’s software contract is a rough deal for Europe”*

Dear Mr Gerloff,

I have read with great interest the above-mentioned press release issued by your organisation, and I should like to formulate the following comments:

- (1) The press release does not mention the fact that the contract you refer to is the result of an open call for tenders awarded on the basis of the highest quality/price ratio. This is a major omission in a press release which, on the one hand, says that the Commission should avoid discrimination and open up public procurement to competition, and, on the other, accuses the Commission of not doing enough to keep its costs low and to spend the taxpayers’ money in the best possible way.
- (2) The first sentence of your press release (*“The Commission will spend EUR 189 million on proprietary software over the next six years”*) is totally misleading for the following reasons:
 - (a) Awarded amount. The sentence implies that the Commission has awarded the total amount of EUR 189 million for itself, without mentioning the fact that the contract in question also covers the needs of 36 other EU Institutions, Agencies and other Bodies. The amount awarded for the Commission’s own needs is EUR 67.4 million (see paragraph VI.2 of the contract notice).

- (b) Commitment to spend. The Commission has not committed itself to spend the whole of this amount. In the case of a framework contract (or “framework agreement”) such as this one, the amount mentioned in the award notice corresponds to the maximum budgetary ceiling which can be used over the entire duration of the contract (including all possible renewals). In order to avoid new administrative procedures, such maximum budgetary ceilings contain provisions for various contingencies which could arise during or at the end of the contract.
 - (c) Duration. The duration of the contract in question for acquisitions is two years, which may (but do not have to) be renewed up to two times for a period of one year each. The total duration is therefore four (not six) years. The two additional years only cover maintenance of already acquired licences.
 - (d) Type of software covered. Contrary to your statement, the contract in question does not only cover the acquisition of proprietary software, but also of open source software (OSS) and of OSS-related services, such as high-level support of OSS products, for example from Red Hat, Atlassian, Balsamiq Studios, Adaptavist and others.
- (3) You argue that the Commission should have come up with a strategy to take advantage of Free Software. I take this opportunity to inform you that the Commission has actually had an OSS strategy since 2001. A summary of the last version of this strategy is available at DIGIT’s website on the EUROPA portal¹. A new version is in its final draft phase and will be published very soon. As a result of this strategy, more than 250 OSS products pertaining to all the categories managed by DIGIT are already in use at the Commission. For the sake of completeness, it may be worth mentioning some additional examples of achievements in this area, which very few (if any) public administrations in the world can match:
- (a) The European Commission runs IT solutions on more than 350 Linux servers.
 - (b) DIGIT’s Data Centre manages more than 800 OSS web servers.
 - (c) The Flexible Platform, offering a recommended set of Web 2.0 tools for social collaboration, is entirely powered by OSS tools and provides, among others, blogs for 40 Commissioners and hosts more than 400 wikis.
 - (d) All new web applications at the European Commission are protected by OSS authentication software, currently serving more than 300 existing web applications, more than 60 000 users and performing more than 1 000 000 authentications on a yearly basis with more than 17 000 different users every day.
 - (e) Several corporate solutions are entirely based upon OSS. Examples are in the area of content management, surveys, e-invoicing and e-ordering, etc.

¹ http://ec.europa.eu/dgs/informatics/about/oss_tech/index_en.htm

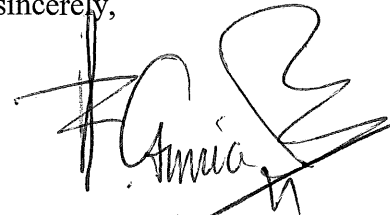
Within the Commission's IT network, an OSS-based developer collaboration platform hosts more than 600 projects accessed by over 2 000 developers.

- (f) More than 60% of the information systems developed at the Commission are based on Java. All (100%) of these Java development projects include OSS tooling (e.g. to support the build process, for testing and quality assurance, for provision of core "runtime" functions such as frameworks for model-view controller, inversion of control, etc.). A corporate reference application eases the knowledge transfer to all development teams at the Commission.
 - (g) An OSS browser is included in the desktop reference configuration available for all PCs at the Commission.
 - (h) The European Commission also manages three important public websites, also entirely powered by OSS software: www.osor.eu (e-government related open source observatory and repository), www.semic.eu (semantic assets exchange centre) and www.epractice.eu (community of e-Government, e-Inclusion and e-Health)
- (4) Your press release assumes that proprietary software is, by definition, unable to be interoperable or to implement standards. This is simply not true. Proprietary software can implement standards as much as OSS. To the best of my knowledge, the Commission's corporate IT infrastructure already supports all major IT standards, be it with proprietary software and/or OSS. Should you be aware of any major IT standard not currently supported by the Commission's infrastructure, I would be obliged if you could let me know about it, so that I can take appropriate measures.
- (5) This procurement procedure is totally unrelated to the ongoing revision of the European Interoperability Framework. Concerning this point, I should simply like to remind that the Commission has committed itself to adopting its Communication on Interoperability (which will include both the European Interoperability Framework and the European Interoperability Strategy) before the end of 2010, as stated in point 2.2.3 of the Digital Agenda. Since this file is heading towards its final adoption, it is inappropriate for me to make any further comments about the process.

I can only regret that you did not cross-check your sources prior to issuing the press release. This appears to be based exclusively on an article which contains plenty of misleading elements. Should you have contacted us, it would have been a pleasure for my department to provide you with accurate factual information, and I am sure that the result would have been more balanced.

I would be obliged if you could consider the present letter as the exercise of my right to reply, and include it in your website together with your press release.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Francisco García Morán". The signature is stylized with large, sweeping loops and a prominent vertical stroke on the left side.

Francisco GARCÍA MORÁN